

DETAILED ACTION

EXAMINER'S AMENDMENT TO THE CLAIMS

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robin Grey on January 8, 2009.

The application has been amended as follows:

Please amend claim 46 as follows:

Claim 46 step f, insert "to form a final molded condiment slice" after the word slice.

In the specification on page 1, please insert --- Now U.S. patent 6759069--- after " July 23, 2001".

EXAMINER'S AMENDMENT TO THE DRAWINGS

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: (1) The following reference character(s) are not mentioned in the description and need be included:

Figure 13 Reference Characters 271F and 270F, Figure 24 Reference Character ME, and Reference Characters OCP1 and ICP2; (2) The following reference sign(s) mentioned in the description are not included in the drawings and need be included: Reference Character 460 (specification page 82) and Reference Character UMF (specification page 69). In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The reasons for allowance are stated in the Advisory Office Action mailed December 3, 2008. Specifically, applicant's arguments in the November 8, 2008 reply regarding the 102(b) rejection of claim 35 over Bogdan and the 103(a) rejection of claims 38, 39, and 46-50 over Forkner were convincing. The closest prior art of record, Bogdan and Forkner do not teach of the instantly claimed methods of forming condiment structures, nor is there a teaching or suggestion to one of ordinary skill in the art to select the steps of the instantly claimed methods.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Bekker whose telephone number is (571) 272-2739. The examiner can normally be reached on Monday through Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on (571) 272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lien Tran/
Primary Examiner

/Kelly Bekker/
Examiner

Application/Control Number: 10/822,257

Page 4

Art Unit: 1794

Art Unit 1794

Art Unit 1794